

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-8300 on January 19, 2006.

Kim Blum
Name (Print)


Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kitchell et al.)	Examiner: Mark Rosenbaum
)	
Application Number: 10/083,657)	Group Art Unit: 3725
)	
Filed: February 25, 2002)	Confirmation No.: 9489
)	
Docket No.: 01017CIP (3600-346-01))	

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JAN 19 2006**

For: METHODS OF MAKING A NIOBIUM METAL OXIDE

**PETITION TO WITHDRAW IMPROPER HOLDING OF
ABANDONMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 19, 2006

Sir:

The applicants petition the United States Patent and Trademark Office to withdraw any holding of abandonment of the above-identified U.S. patent application based on the failure of the applicants and their representatives to file a timely reply to the Office Action mailed on May 4, 2005. As set forth below, the undersigned firmly believes that the Notice of Abandonment issued by the U.S. Patent and Trademark Office on December 30, 2005 was erroneously issued.

This petition is filed under the provisions of 37 C.F.R. §1.181 as well as the guidance provided by MPEP §711.03(c).

In more detail, the undersigned attorney of record for the applicant filed an Amendment on August 3, 2005 via facsimile in response to the Office Action issued by the U.S. Patent and

U.S. Patent Application No.: 10/083,657
Petition to Withdraw Improper Holding of Abandonment dated January 19, 2006
Reply to Notice of Abandonment dated December 30, 2005

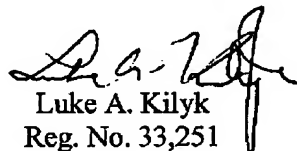
Trademark Office dated May 4, 2005. A copy of the as-filed Amendment, together with a copy of the Auto-Reply confirming receipt of the facsimile transmission, are attached hereto.

Furthermore, the undersigned did not receive a telephone call from the Examiner informing the undersigned that a Notice of Abandonment will issue in the above-identified application due to the Examiner not receiving a reply to the Office Action dated May 4, 2005, even though one was timely filed.

In view of the above, the undersigned can attest that a response to the Office Action dated May 4, 2005 was timely filed for the above-identified U.S. patent application. Accordingly, the United States Patent and Trademark Office is respectfully requested to grant this petition and to withdraw any holding of abandonment in the above-identified U.S. patent application.

In the event any fees are required in connection with this paper, please charge Deposit Account No. 50-0925.

Respectfully submitted,


Luke A. Kilyk
Reg. No. 33,251

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Enclosures: Copy of as-filed Amendment dated August 3, 2005 (13 pages)
Copy of Auto-Reply received from U.S. Patent & Trademark Office (1 page)